

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Julie Dalton, individually and
on behalf of all others similarly situated,

Case No. 23-cv-00368 (KMM/LIB)

Plaintiffs,

vs.

**PRELIMINARY
APPROVAL ORDER**

Dollar Tree Stores, Inc.,

Defendant.

This matter came before the Court on the basis of written submissions and Plaintiff's unopposed motion for an order, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, regarding certain matters in connection with a proposed settlement of this action, in accordance with the Proposed Class-Action Settlement Agreement and Release (the "Settlement" or "Settlement Agreement") entered into by the parties and dismissing the action upon the terms and conditions set forth in the Settlement Agreement;

WHEREAS, the parties reached a settlement as a result of arm's-length negotiations between the parties and their counsel, and

WHEREAS, the Court has carefully reviewed the Settlement Agreement, and all files, records, and prior proceedings to date in this matter, and good cause appearing based on the record to preliminarily approve the Settlement.

IT IS HEREBY ORDERED that:

1. The Settlement Agreement is preliminarily approved as fair, reasonable, and adequate, in accordance with Rule 23(e) of the Federal Rules of Civil Procedure, pending a fairness hearing on the Settlement as provided herein.

2. Stay of the Action. Pending the fairness hearing, all proceedings in the Action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this Order, are hereby stayed.

3. Preliminary Certification of Settlement Class. The following proposed settlement Class is hereby preliminarily certified pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure:

All blind or visually impaired individuals or other individuals in the United States with disabilities as defined by the Americans with Disabilities Act who use or require audio readouts of on-screen prompts and tactile keypads associated with use of payment terminals (or comparable technologies that allow the individuals to interact with payment terminals), and who have or allege they have been, or in the future will be, denied the full and equal enjoyment of Defendant's payment terminals' cash back feature at stores owned or operated by Defendant in the United States because such persons encounter(ed) a payment terminal without an audio readout and tactile keypad to obtain cash back at Defendant's stores.

4. Settlement Class Representative. For purposes of the Settlement only, the Court finds and determines, pursuant to Rule 23(a) of the Federal Rules of Civil Procedure, that plaintiff Julie Dalton will fairly and adequately represent the interests of the Settlement Class in enforcing their rights in this action and appoints her as Settlement Class Representative.

5. Class Counsel. For purposes of the Settlement, the Court appoints Patrick W. Michenfelder, Esq. of Thronset Michenfelder, LLC, as Class Counsel to act on behalf of the Settlement Class Representatives and the Settlement Class with respect to the

Settlement. The Court authorizes Class Counsel to enter into the Settlement on behalf of the Settlement Class Representatives and the Settlement Class, and to bind them all to the duties and obligations contained therein, subject to final approval by the Court of the Settlement.

6. Directive to Issue Notice to Settlement Class. The Court finds that the proposed notice appended as Exhibit B to the Declaration of Patrick Michenfelder [ECF No. 35] (“Notice”) is appropriate and shall be given as follows:

a. As soon as practicable, but no later than fifteen (15) days from the date of this Order, Class Counsel shall, at its expense, cause the Notice to be published on a settlement website to be located at <https://www.dollartreeADAPOSsettlement.com> or such other like domain name as may be available (“the Settlement Website”). The Settlement Website will provide access to or provide direction to access to include copies of Plaintiff’s class action Complaint, Motion for Preliminary Approval of Class Action Settlement, and all documents filed in support of Named Plaintiff’s motion for preliminary approval of class action settlement, together with this Order; and

b. As soon as practicable, but no later than fifteen (15) days after this Order, Class Counsel shall, at its expense, request that at least the following organizations publish the Notice immediately in their respective electronic newsletters and social media accounts: American Council of the Blind, American Foundation for the Blind, Blinded American Veterans Foundation, Blinded Veterans Association, Foundation Fighting Blindness, Guide Dogs for the Blind, National Association of Blind Merchants, National Council on Disability, and National Federation of the Blind.

7. Fairness Hearing. A hearing will be held by this Court via Zoom (no courtroom) before Honorable Kate M. Menendez, at 1:00 p.m. on August 29, 2024 (“Fairness Hearing”) to determine: (a) whether the Settlement should be approved as fair, reasonable, and adequate to the Settlement Class; (b) whether a Final Approval Order

and Judgment should be entered; (c) whether to approve the application for service award for the Settlement Class Representative and an award of attorneys' fees and expenses; and (d) any other matters that may properly be brought before the Court in connection with the Settlement. The Court may approve the Settlement with such modifications as the Parties may agree to, if appropriate, without further notice to the Settlement Class.

8. Final Approval Briefing. All opening briefs and supporting documents in support of a request for final approval of the Settlement, service award, and for attorneys' fees and expenses must be filed at least twenty (21) days prior to the Fairness Hearing.

9. Objections and Appearances. Any Settlement Class Member who wishes to:

- a. object to the Settlement, service award, and/or the award of attorneys' fees and expenses, and/or
- b. appear at the Fairness Hearing and show cause, if any, (i) why the Settlement should not be approved as fair, reasonable, and adequate to the Settlement Class, (ii) why a Final Approval Order and Judgment should not be entered thereon, or (iii) why the Service Awards and/or the Attorneys' Fees and Expenses should not be granted,

may do so as set forth in this paragraph. No Settlement Class Member will be heard on such matters unless they have filed in this Action the objection, together with any briefs, papers, statements, or other materials the Settlement Class Member wishes the Court to consider, at least ten (10) days prior to the Fairness Hearing on August 29, 2024. Any objection must include: (i) the case name and number of the Action; (ii) the name, address,

and telephone number of the objecting Settlement Class Member, and if represented by counsel, of his/her counsel; (iii) a statement of the specific grounds for the objection, including any factual or legal basis for the objection; and (iv) a statement of whether the objecting Settlement Class Member intends to appear at the Fairness Hearing, and if so, whether personally or through counsel. In addition to the foregoing requirements, if an objecting Settlement Class Member intends to speak at the Fairness Hearing (whether pro se or through an attorney). The written objection must include a detailed description of any evidence the objecting Settlement Class Member may offer at the Fairness Hearing, as well as copies of any exhibits the objecting Settlement Class Member may introduce at the Fairness Hearing. Any Settlement Class Member who fails to object to the Settlement in the manner described in this Order shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement at the Fairness Hearing, and shall be precluded from seeking any review of the Settlement or the terms of the Settlement Agreement by appeal or any other means.

10. With leave of Court for good cause shown, the Parties may take discovery of an objector or an objector's counsel.

11. Any Settlement Class Member who objects to the Settlement shall be entitled to all of the benefits of the Settlement if the Settlement is finally approved.

IT IS SO ORDERED.

Date: May 30, 2024

s/Katherine Menendez
Katherine Menendez
United States District Court